

**REMARKS/ARGUMENTS**

Claims 62-81 now stand in the present application, claims 62 and 70 having been amended and new claims 79-81 having been added. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has rejected claims 70-78 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. As noted above, Applicants have amended claim 70 in order to correct the § 112 deficiency pointed out by the Examiner. In addition, new claims 79-81 have been added to further define the invention. In view of the above-described claims amendments, the Examiner's § 112, second paragraph, rejection of the claims is believed to have been overcome.

The Examiner has also rejected claims 62-69 under 35 U.S.C. § 102(e) as being anticipated by Itaya et al. and has rejected claims 70-78 under 35 U.S.C. § 103(a) as being unpatentable over Itaya et al. in view of Ng. In view of the above-described claim amendments, the Examiner's §§ 102 and 103 rejections of the claims are believed to have been overcome, as will be described in greater detail below.

Independent claims 62 and 70 have been amended to further recite an active layer where electrons in the holes are recombined. The references cited by the Examiner disclose a third nitride semiconductor which is an active layer. However, now that a separate and distinct active layer has been recited in the claims, the present claims distinguish over the cited references.

Therefore, in view of the above amendments, it is respectfully requested that all of claims 62-81, now standing in the application, patentably define over the cited references taken either singly or in combination.

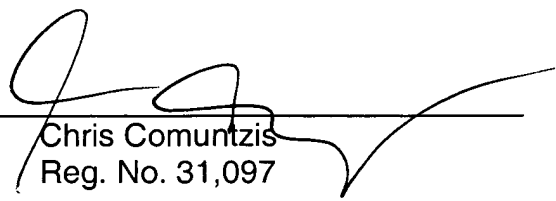
Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 62-81, now standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

Respectfully submitted,

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